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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,739	01/21/2000	David Andrew D'Zmura		6203

7590 07/05/2005

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EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/489,739	Applicant(s) D'ZMURA, DAVID ANDREW	
	Examiner Frantzy Poinvil	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 52-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 52-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

JA

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 52-61 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 52, it is unclear whether the claims are directed toward an apparatus or method or process claim. It is unclear whether a set of coded instructions, computational processing means, a basket of cash receipts constituting a single security or an aggregated portfolio is being claimed. What is their relationship in the claim? The language of “providing means” is unclear. What is providing the claimed means? On line 6, “value isomorphic” lacks clear antecedent basis, and “said security’s yield-to-maturity” lacks clear antecedent basis. How does a pricing function provide means? What does it mean by “providing means for mathematical valuation and sensitivity functions? How does this means being applied in the claim? How is it useful for identifying “its” composite yield basis. What does the term “its” is being referred to? How does an algorithm provide means? It is unclear how the “providing means for determining a composite yield basis” also comprises a basket within a single security.

The claim is narrative in form and replete with indefinite, functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device.

As per claims 53 and 54, it is unclear whether the claims are directed toward an apparatus or method or process claim. It is unclear whether a set of coded instructions, computational processing means is being claimed. What is their relationship in the claim? The language of "providing means" is unclear. What is providing the means? What does it mean by "providing means for mathematical valuation and how is it useful for establishing hedge ratios and immunization? How does an algorithm comprise means? The claim is narrative in form and replete with indefinite, functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device.

As per claim 54, the phrase "can also be written" renders the claim vague and indefinite and does not add positive limitation to the claim.

As per claim 55, the phrase "and wherein said process useful to estimating change in the security's price given in its yield, and useful to quoting yield and for setting hedge ratios and immunization, and useful to programming and coding in computer systems and calculative devices" is narrative in form and replete with conclusionary statements which does not add any positive limitations to the claim. What is a process for the manufacture of financial data? The phrase "i.e." or "e.g." renders the claim vague and indefinite as such do not add any positive limitation to the claim.

As per claim 56, the phrase "useful to projecting..., and useful to programming in computer systems" is narrative in form and replete with conclusionary statements which does not add any positive limitations to the claim. What is a process for the manufacture of financial

data? The phrase "i.e." or "e.g." renders the claim vague and indefinite as such do not add any positive limitation to the claim. It is unclear how the data values are being utilized. Outside the limitation of utilizing, there appears to be no actual functions of performing any estimating, projecting or forecasting functions.

As per claim 59, line 2, "said method" lacks clear antecedent basis. The phrase "said method to comparing portfolios and to hedging, immunizing and replicating a portfolio" is a narrative statement having no interrelationships and involves no steps to performs any functions.

As per claim 60, the phrase "In the invention" renders the claim vague and indefinite as it is unclear as to what invention the applicant is referring to. Also, in claim 60, the claimed "means" is improper in a process or method claim.

It appears that page 19 which may contain portion of both claims 60 and 61 is missing.

Applicant is advised to review the claims so as to bring the claims in compliance with 35 USC 112 paragraph.

Appropriate correction is requested.

2. Claims 52-61 are allowable over the art of record.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Frantzy Poinvil
Primary Examiner
Art Unit 3628

FP
June 24, 2005